

Ohio Environmental Protection Agency

Permit to Install

Application No: 06-6766

Applicant Name: American Energy Corporation
Address: 43521 Mayhugh Hill Road
City: Beallsville
State: OH, 43716

Person to Contact: Ryan Desco
Telephone: 740-926-9152

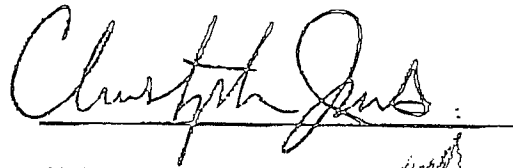
Description of Proposed Source: 5 Runoff Treatment Ponds (012-016) for Century Mine, Wayne Twp, Belmont County

Issuance Date: December 11, 2002
Effective Date: December 11, 2002

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

I have determined that a lowering of water quality in Piney Creek and subsequently Captina Creek is necessary. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and appropriate intergovernmental comments. The lowering of water quality is necessary to accommodate important social or economic development in the area in which the water body is located.

Ohio Environmental Protection Agency



Christopher Jones
Director
P. O. Box 1049,
122 South Front Street
Columbus, OH 43216-1049

This permit shall expire if construction has not been initiated by the applicant within eighteen months of the effective date of this permit. By accepting this permit, the applicant acknowledges that this eighteen month period shall not be considered or construed as extending or having any effect whatsoever on any compliance schedule or deadline set forth in any administrative or court order issued to or binding upon the permit applicant, and the applicant shall abide by such compliance schedules or deadlines to avoid the initiation of additional legal action by the Ohio EPA.

The director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records, or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

Any well, well point, pit, or other device installed for the purpose of lowering the ground water level to facilitate construction of this project shall be properly abandoned in accordance with the provisions of this plan or as directed by the director or his representative.

Any person installing any well, well point, pit or other device used for the purpose of removing ground water from an aquifer shall complete and file a Well Log and Drilling Report form with the Ohio Department of Natural Resources, Division of Water, within 30 days of the well completion in accordance with the Ohio Revised code Section 1521.01 and 1521.05. In addition, any such facility that has a capacity to withdraw waters of the state in an amount greater than 100,000 gallons per day from all sources shall be registered by the owner with the chief of the Division of Water, Ohio Department of Natural Resources, within three months after the facility is completed in accordance with Section 1521.16 of the Ohio Revised Code. For copies of the necessary well log, drilling report, or registration forms, please contact:

Ohio Department of Natural Resources
Fountain Square
Columbus, OH 43224-1387
(614) 265-6717

The proposed wastewater treatment system shall be constructed in strict accordance with the plans and application approved by the director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided for under Ohio law. Approval of this plan and issuance of this permit does not constitute an assurance by the Ohio Environmental Protection Agency that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

This permit to install applies only to the wastewater treatment works listed above. The installation of drinking water supplies, air contaminant sources, or solid waste disposal facilities will require the submittal of a separate application to the director.

No liquids, sludges, or toxic or hazardous substances other than those set forth in the approved permit shall be accepted for disposal without the prior written approval of the Ohio Environmental Protection Agency.

The Southeast District Office of the Ohio Environmental Protection Agency shall be notified in writing as to (a) the construction starting date; (b) the construction completion date; and (c) the date the wastewater disposal system was placed into operation.

The American Energy Corporation shall be responsible for proper operation and maintenance of the wastewater treatment system.

SPECIAL TERMS AND CONDITIONS FOR SOIL LINERS AND COVER MATERIAL

- 1) No soil material shall be placed or compacted during weather conditions which would interfere with adequate compaction or moisture content control, such as freezing temperatures or rainy conditions.
- 2) Soil material shall be compacted using standard engineering compaction methods unless otherwise specified in the plans.
- 3) Only soil materials specifically approved for use, in the detailed plans, may be used.

SPECIAL PTI CONDITIONS:

1. The use of ammonia for treatment is prohibited unless a modification to the NPDES permit is approved.
2. OEPA will re-evaluate the effectiveness of the runoff treatment system if the site becomes inactive. Revisions to the treatment system may be required at that time.
3. Within 12 months of the day that the last coal refuse is disposed on the site, Ohio Valley Coal Company will begin reclamation of the refuse disposal area.